IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5405 OF 2004

The State of Maharashtra, .. Applicant
Vs
Dr.Anil V.Nehatrao, .. Respondent
Ms Geeta Mulekar, APP for the applicant.
Mr M.A.Choudhari, for the respondent.

CORAM : D.B.BHOSALE, J.
DATED : 22nd JUNE, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. This is an application seeking condonation of delay in filing criminal appeal against the judgment and order dated 3.2.2002, acquitting the respondent-accused for the offences under sections 7, 13(2) read with section 13(1)(d) of the Prevention of Corruption Act. It appears that the case was registered against the respondent on 2.12.1992 as a special case no.8/92 and the charge was framed on 19.4.1994. After acquittal of the accused vide judgment dated 3.2.2001, certified copy of the judgment was applied for and was delivered on 23.8.2002. The last date of filing of an appeal was 4.5.2001. It is clear from the explanation offered in the application that the concerned District Government Pleader and the Public Prosecutor took almost one year and four months time to scrutinise papers and forwarding them to the Law and Judiciary department. Papers were forwarded to the Law and Judiciary

Department on 24.9.2002 stating that the case is fit for filing an appeal. The Law and Judiciary Department thereafter seems to have taken more than three months time to take a decision to file an appeal against the order of acquittal and accordingly the Government Resolution bearing no.2646/A was sent to the Office of the Public Prosecutor, High Court, AS Mumbai on 27.12.2002. Office of the Public Prosecutor, High Court promptly filed the appeal within 15 days therefrom. It may be stated that no reply affidavit has been filed to oppose the condonation of delay. The only submission advanced across the bar is that the delay in forwarding the proposal by the District Government Pleader and the Public Prosecutor, Pune has not been explained properly. It is true that there was delay on the part of the Public Prosecutor in forwarding the proposal for filing an appeal to the Law and Judiciary Department, Mantralaya, but I do not wish to make the State Government responsible for the delay on the part of the Public Prosecutor at Pune. In the circumstances, I am inclined to condone the delay. The delay is condoned. The application is disposed of.

. Office to post the Appeal for admission in the week commencing from 10.7.2006. Mr Choudhari, learned counsel for the respondent, waives service in appeal.

(D.B.BHOSALE,J.)